

Litchfield Planning Board

October 20, 2009

**Litchfield Planning Board
October 20, 2009
Minutes approved 11/18/09**

Members present:

Edward Almeida, Acting Chairman
Marc Ducharme, Clerk
Jayson Brennen
Steve Perry, Selectmen's Representative
John Miller, Alternate

Members not present:

Alison Douglas, Chairman
Carlos Fuertes
Leon Barry

Also present:

Joan McKibben, Administrative Assistant
Steve Wagner, Nashua Regional Planning Commission, Circuit Rider

AGENDA

1. Application for a free-standing sign at 359 Charles Bancroft Highway, Tax Map 18 Lot 66 Open Doors Christian Fellowship

2. Public Hearing:

- Adoption of Appendix J Residential Driveway Regulations and Permit Purpose Safety, proper drainage, and protect road.
- Amend Appendix F fee schedule to add \$25.00 fee for residential driveway permits
- Amend Subdivision regulations section 200, Definitions Purpose: Add definitions for Appendix J and Add and Amend standard definitions.

3. Work Session for open space subdivision (conservation subdivision)

4. Draft of CTAP funded ordinance (possible workforce housing)

Acting Chairman Almeida called the meeting to order at 7:12 p.m. Chairman Almeida appointed John Miller as a voting member.

1. Open Doors Christian Fellowship

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1 Pastor Terry Wilcox came forward to discuss a sign application. The Board reviewed the
2 sign sketch. The sign would be placed 60 feet from the driveway. Mr. Wilcox said he is
3
4 not certain what the required distance the sign should be placed from the road. The
5 proposed sign would be 4x8 feet for the reader board and 2x4 feet for the header board.
6 The sign would be lit at night and on a timer set to go off at 9:00 p.m. or 10:00 p.m. Only
7 the reader board would be lit not the header board and the light would not shine out but
8 down.
9

10 Mr. Wagner questioned whether the applicant had been before the Zoning Board because
11 a variance was granted for the use of a church in the residential zone, and so he
12 questioned whether they would need a variance for the sign. This was discussed. It was
13 pointed out that there is already an approved sign on the property. The only thing is there
14 is a height restriction of 8 feet in residential district so the sign would have to be reduced.
15 The applicant told the Board that the sign would be similar to Jolt Electric on Route 3A.
16

17 Mr. Ducharme **MOTIONED** to approve a free-standing sign at 359 Charles Bancroft
18 Highway Tax Map 18 Lot 66 for Open Doors Christian Fellowship Church with the
19 stipulation that the sign be a maximum of 8 foot high from the ground. Mr. Brennen
20 seconded. Mr. Perry: Make sure the sign is as proposed. Motion carried 5-0-0.
21

2. PUBLIC HEARING

Appendix J – Residential Driveway Regulation and Permit

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26 Acting Chairman Almeida opened the hearing to public comment. There was no public
27 comment. Mrs. McKibben asked about curb cuts and shared driveways. She was told it
28 was taken out of the regulation.
29

30 Mr. Perry **MOTIONED** to approve Appendix J Residential Driveway Regulation and
31 Permit. Mr. Miller seconded. Motion carried 5-0-0.
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Appendix F - Fee Schedule

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35 A fee of \$25.00 for a driveway permit was added to the fee schedule.
36

37 Acting Chairman Almeida opened the meeting to public comment. Mr. Ducharme off the
38 Board. Mr. Ducharme, 137 Page Road, expressed his opposition to the \$25 fee for a
39 driveway permit. He said that the Department of Transportation issues permits and there
40 is no fee charged. He feels that by not charging a fee the benefit is that homeowners tend
41 to adhere more to the policy. People might be opposed to this in general so he feels that it
42 would be better having no fee. Mr. Ducharme feels that the Town has failed to justify a
43 reason to impose a fee. Mr. Ducharme returned to the Board.
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Mr. Perry pointed out that the fee charged would pay for the inspections, paperwork processing, etc. Basically the regulation is to make sure the driveway process is being done right.

Mr. Ducharme **MOTIONED** not to amend Appendix F Fee Schedule to add \$25.00 for residential driveway permits. Mr. Miller seconded. Mr. Perry: From the Town's well being you have to realize what you are doing by doing this. You are instituting a permit process that you are not going to charge for and is this where it is going to stop, or is it going to keep going because you just opened the door if you approve it. Talk ensued. Mr. Ducharme retracted his motion. Mr. Ducharme **MOTIONED** to amend Appendix F of the fee schedule to be a \$0 dollar fee for residential driveway permits. Mr. Miller seconded. It was pointed out that there is no G Section in the fee schedule. Mr. Miller **AMENDED MOTION** to add G to the fee schedule. Mr. Brennen seconded. Vote on amendment: Motion failed 2-2-1. Vote on main motion: Motion failed 2-3-0. Mr. Perry **MOTIONED** to amend Appendix F of the fee schedule to adopt a fee for the residential driveway permits. Mr. Brennen seconded. Motion carried 3-2-0.

Section 200 Definitions

Acting Chairman Almeida opened the meeting to public comment. There was no public comment. Mr. Perry **MOTIONED** to amend the subdivision regulation definition. Mr. Miller seconded. Motion carried 5-0-0.

3. OPEN SPACE WORK SESSION

Mr. Ducharme provided an updated copy of the Open Space ordinance. This was reviewed.

Section 3 Standards and Conditions. A. Uses: It was agreed that golf courses would not be allowed.

B. Location. It states only allowed in the residential area. If the Zoning Board granted a variance, then the applicant could use it as commercial. This section needs to be rewritten.

Section D Minimum Density - *The number of dwelling units permitted in any open space development shall be equal to or less than the permitted under a subdivision number layout plan so as to conform to conventional lot areas and frontage requirements contained in the Litchfield Zoning Ordinance and would be approved by the Planning Board without waivers or variances being granted and add new language to read if*

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1 *applicant desires to prove us wrong, they would have to get a variance.* So, they would
2 actually have to have a variance in hand. Mr. Ducharme to work on the language.

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6 Mr. Brennen expressed his concern with applicants obtaining variances without the
7 Planning Board even knowing about it.

8
9 Mr. Ducharme: Do we want to allow the applicants to prove to us that they can go get the
10 variance because that does go against the intent of the regulations because that is going to
11
12 end up having more house lots?

13
14 Mr. Miller pointed out that it has to be defined and if someone wants to go for a variance,
15 they would have to go through the process.

16
17 Mr. Ducharme: Let's go back to the Yield Plan, if they get the variance, fine, but we are
18 going to have to say you have to go get the variance or we are not going to approve the
19 yield plan...

20
21 Talk went on as to requirements for approval of a Yield Plan.

22
23 Mr. Wagner talked about the sequencing of determining how the layout of the plan is
24 going to go...and making sure that the template for conservation subdivisions is adhered
25 to.

26
27 E. 1. Front Setback or buffer: Mr. Ducharme: In looking at front setback regulations
28 I am trying to develop a block of where you can build and the first one *no structure or*
29 *parking area shall be situated within one hundred fifty (150) feet of a public right-of-way*
30 *in existence to prior to the open space development proposal.* I am trying to say that
31 piece of land on Page Road that first row of houses against Page Road that we all see,
32 those would not be there...you would see two access roads trying to keep that natural
33 order from the road...

34
35 Mr. Wagner asked if the Board would want something different on Route 3A or 150 feet
36 everywhere...for sure you would want the 150 feet.

37
38 Mr. Perry indicated he would be fine with 250 foot requirement on Route 3A and keeping
39 the character of Route 3A rather than the communal land...keeping the character of the
40 road. There is a concern if it is too restrictive, the developer could say it is too restrictive
41 and they would want to go conventional instead of open space.

42
43 Mr. Perry: Even if you make them go 250 feet off Route 3A, they are going to say okay
44 what is the current standard now 75 (feet) for residential...I am saying if you were going
45 to do a development along 3A, we would even call it 250 feet that you add the roadway

1 that is the only amount of roadway that you are adding so now you have shrunk the
2 frontage by 50 feet per lot.

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6 Mr. Ducharme: I will put it in. Mrs. McKibben: River lots, you don't want to push them
7 up against the river.

8
9 Mr. Perry pointed out that there is the Shoreland Protection Act and floodplain to take
10 care of the river lots.

11
12 Mr. Wagner provided members with a map showing areas in Town that are over ten (10)
13 acres and zoning districts. This was reviewed.

14
15 Talk went on as to transferring the open space either to the Town or an Association, and
16 possible merger of lots for further development. Mr. Ducharme stated regarding possible
17 merger of lots that the applicant would have no grounds to stand on because they would
18 have no ownership rights of the open space from the previous project. So, it makes sense
19 to have right-of-ways put in to the next lot.

20
21 Mr. Miller: If you go back to the question and the question being if they wanted to merge
22 them because the open space is transferred to the Town, you can't use that again.

23
24 Mr. Ducharme: That is what I am saying.

25
26 It was asked if the open space would have to be deeded to the Town.

27
28 Mr. Wagner: The concession was if you are giving the developer shorter roadways
29 because of shorter frontage, you have smaller lot size so they had higher density, so they
30 could build basically a traditional subdivision in a smaller space and so the payback is the
31 open space controlled by the Town.

32
33 Section 3K. Protection of Common Land - Mr. Miller asked what this does to the tax base
34 if it is owned by the Town. Mr. Ducharme said the tax is based on buildable lots whether
35 an acre or under an acre. Mr. Brennen added that the Town would be losing some tax
36 revenue but it would be in the Town's control. There is a concern as to the liability if it is
37 owned by the Town and maintenance of the open space. There was a suggestion that the
38 Conservation Commission take over the open space. All in all, the Board still needs to
39 determine ownership of the open space.

40
41 G. Landscape Buffer - Mr. Wagner: You are saying nothing within 50 feet of a property
42 line, do you want a non-disturbed 50 foot buffer?

43
44 Mr. Perry: That is what it actually goes into on Landscape Buffer.

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1 F. Uses Restricted - Eliminating trailers, campers, modular homes but allow pre-
2 manufactured homes.

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6 G. Landscape Buffer - Mr. Perry questioned a possible contradiction in this section where
7 it says, *Where, in the opinion of the Planning Board, insufficient natural buffers exists,*
8 *the Board may require vegetative plantings to supplement or replace inadequate buffers.*
9 Does that contradict the fact that we say, *Wherever possible, natural vegetation shall be*
10 *retained.* Mr. Perry wants to be sure this is reviewed by Town Counsel. Talk continued.

11
12 H. Parking - Add all parking shall be off street.

13
14 I. Emergency Vehicle Access - It was agreed to eliminate this section.

15
16 J. Use of Common Land - It was agreed to take out play fields, playgrounds, parks,
17 agricultural uses and leave in passive recreation, conservation land or other uses.

18
19 K. Protection of Common Land - It was agreed to take out private roadways. The intent is
20 to have the Town take over ownership but this will have to be approved by the Board of
21 Selectmen.

22
23 L. Approval of Water - Mr. Ducharme will check Older Persons subdivision for the
24 language regarding Pennichuck water services.

25
26 Sewage - Individual sewage systems.

27
28 Access - Mr. Ducharme: The development will have frontage and be accessed from a
29 Town or State road but access from a building lot shall be from a road that did not exist
30 prior to this development. Basically saying that there will be no frontage lots on existing
31 roads and no shared driveways.

32
33 Mr. Miller questioned why no shared driveways. Mr. Perry: If we are pushing for
34 individual septic, why wouldn't we...shrink the lots but it would still be your own.

35
36 Mr. Perry: B. Common area, last sentence states *50% of the common areas shall not*
37 *include wetlands.* It is tough to do that...what if you have a 90-acre lot that has 70 acres
38 of wetlands?

39
40 Mr. Ducharme: Let's go back to the Yield Plan, they have to show us a number they can
41 build with our existing regulation.

42
43 Mr. Perry: So, the common area is not the whole area...the common area is the buildable
44 area?

1 Mr. Ducharme: No. You just found a hole...they couldn't give it to us all. They could
2 give a portion that had to be subdivided off and have undeveloped lot. You are right, I
3 have to take that out.
4

5
6 Mr. Ducharme will do another draft for the Board's review at the next meeting.
7

8 **4. CTAP WORKFORCE HOUSING**
9

10 Mr. Wagner reviewed the latest workforce housing ordinance he has been working on.
11

12 Mr. Wagner: The law states to provide incentives to develop these subdivisions so the
13 question is if you restrict the size of structures and give them something in return, say
14 you said two bedrooms and give them a 50% reduction on their impact fees.
15

16 Mr. Perry: If you can build a house that is listed as affordable housing, workforce,
17 whatever you want to call it, under the ratio of \$271,000 for this area, do you have to do
18 anything other than allowing five unit buildings? Because what they are saying is under
19 the current statute, you can state that your regulations for building subdivisions is
20 adequate for achieving workforce housing and then just allow five family complexes.
21

22 Mr. Wagner: I would say that you have to put the affordability covenants on whatever
23 units. Like if somebody had the unit that falls under the \$270,000 that they want to make
24 it an affordable unit, I would say that they apply for the affordability covenant to
25 maintain that cost for a period of time.
26

27 Mr. Perry: They were saying like Greenfield the cost of land is low and cost of
28 developing is low you could still achieve the numbers for workforce housing without
29 changing the regulations that you have now. What I am saying to meet the deadline you
30 put in place the allowable way of doing five families, you designate the areas in Town
31 that you want to open up for workforce housing and otherwise we just say your current
32 rights are going to satisfy the potential to build.
33

34 Mr. Wagner: I do not know how that would work with the CTAP grant.
35

36 Mr. Perry: I know this is something I found questions being asked that they are saying
37 you do not have to draw new regs for workforce because what you currently have will
38 probably support it.
39

40 Mr. Ducharme: I think we do because we do not allow five families so you have to do
41 that part.
42

43 Mr. Perry: You could even go to the next level and you could say if you can't achieve
44 doing workforce housing at your current standards take it down by a percentage say 25%
45 and go to ¾ of an acre and you have a lower cost.

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Mr. Ducharme: I think it will show that regardless of the lot size, it still has the same value.

Mr. Perry: You would make up a new section for workforce housing using your current standards.

Mr. Ducharme: And add the affordability and say there it is.

Mr. Perry: And add your five families and say you can feasibly do it.

Mr. Ducharme: We really have to work hard on the five family part.

Incentives - Mr. Ducharme said it looks like the Board does not want to allow for incentives. Mr. Wagner: If they were to build a smaller house on a smaller lot, would the Selectmen consider something like two or three bedrooms and reducing the impact fees or application fees?

It was said that the majority of the fees collected go to the school district. Mr. Perry: You could probably take what we have now and reduce it all by 20% everything, side setbacks, frontage, lot size, probably do the whole thing as a blanket 20% reduction.

This was discussed. Mr. Perry: Is there a way to rewrite what we have that we can concentrate on what we have to.

Mr. Ducharme: I like the blanket percentage reduction idea.

Mr. Perry: You can work on five families, you can work on locations and you might even be able to use inclusionary zoning in that...

Mr. Wagner: I can make it do all that. What I am trying to do is get feedback.

Mr. Wagner will check to see if the size of the houses can be restricted.

Talk ensued. This will be discussed at the next scheduled meeting.

There being no further business, Mr. Perry **MOTIONED** to adjourn the meeting. Mr. Almeida seconded. Motion carried 5-0-0. The meeting adjourned at 10:15 p.m.

Edward Almeida, Acting Chairman

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Marc Ducharme, Clerk

Jayson Brennen

Steve Perry, Selectman

John Miller, Alternate

Lorraine Dogopoulos
Recording Secretary